

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL ACTION NO.: 3:19-cv-533-RJC-DSC

BARBARA GRIFFITH, an individual,

Plaintiff,

vs.

BANC OF AMERICA MERCHANT  
SERVICES, LLC,

Defendants.

**DEFENDANT’S MOTION TO DISMISS**  
**PLAINTIFF’S COMPLAINT**

**COMES NOW** Defendant Banc of America Merchant Services, LLC (*hereinafter* “BAMS”), by and through its undersigned counsel, and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Local Rule 7.3, hereby moves the Court for an Order dismissing this action in its entirety. For reasons as more fully explained in the *Memorandum of Law in Support of Defendant’s Motion to Dismiss Plaintiff’s Complaint*, BAMS contends that Plaintiff’s Complaint must be dismissed in its entirety because the Court lacks subject matter jurisdiction of Plaintiff’s Retaliatory Employment Discrimination Act (*hereinafter* “REDA”) claim under N.C. Gen. Stat. § 95-240 *et seq.* due to Plaintiff’s failure to exhaust her administrative remedies, and for Plaintiff’s failure to state a claim for Breach of Contract or violation of N.C. Gen. Stat. § 95-25.1 *et seq.* known as North Carolina’s Wage and Hour Act (*hereinafter* “NCWHA”). Therefore, Defendant respectfully requests that Plaintiff’s Complaint should be **DISMISSED WITH PREJUDICE**.

Respectfully submitted this the 12<sup>th</sup> day of November, 2019.

**JACKSON LEWIS P.C.**

BY:

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on November 12, 2019, a copy of *Defendant's Motion to Dismiss Plaintiff's Complaint*, along with supporting memorandum of law, was electronically filed with the Clerk of the Court, using Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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